

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SETH MORGAN,
Defendant-Petitioner,

NO. CV18-374 MJP
CR14-100 MJP

V.

UNITED STATES OF AMERICA,
Plaintiff-Respondent.

**[REDACTED] ORDER GRANTING
GOVERNMENT'S EMERGENCY
MOTION REGARDING WAIVER OF
ATTORNEY-CLIENT PRIVILEGE AND
REQUEST FOR EXTENSION OF TIME
TO ANSWER PETITIONER'S
28 U.S.C. §2255 MOTION**

NOTE ON CALENDAR: May 4, 2018

Having reviewed the Government’s Emergency Motion for an Order Regarding Defendant’s Waiver of Attorney-Client Privilege and Request for Extension of Time to Answer Petitioner’s 28 U.S.C. §2255 Motion (“the Section 2255 Motion”), and based upon the reasons set forth in that Motion,

IT IS HEREBY ORDERED that Defendant-Petitioner Seth Morgan, by raising issues related to his legal representation in his Section 2255 Motion, has waived his attorney-client privilege for the purpose of litigation of that motion. Accordingly, Mr. Morgan's prior attorney, Michael Iaria, is hereby directed to participate in an interview

(PROPOSED) ORDER REGARDING DEFENDANT'S WAIVER
OF ATTORNEY-CLIENT PRIVILEGE - 1
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1 with the government and to provide evidence related to his representation of Mr. Morgan,
2 including efforts and otherwise privileged legal conversations with Mr. Morgan, by way
3 of affidavit, testimony, or in any other form. Mr. Iaria is also directed to produce to the
4 government documents and records related to his representation of Mr. Morgan that
5 relate to the allegations set forth in Mr. Morgan's Section 2255 Motion.

6 IT IS FURTHER ORDERED that, absent further orders from this Court, the
7 evidence provided pursuant to this Order shall be used solely for the purpose of litigating
8 Mr. Morgan's Section 2255 Motion and shall not be admissible against Mr. Morgan in
9 any other proceeding. This Order shall remain in effect even after the Court has ruled on
10 the Section 2255 Motion. Both parties retain the right to apply to the Court for
11 modification of this Order.

12 IT IS FURTHER ORDERED that the government shall file its answer to Mr.
13 Morgan's Section 2255 Motion within forty-five days after the entry of this Order.

14 IT IS SO ORDERED.

15 DATED this 15th day of June, 2018.



MARSHA J. PECHMAN
UNITED STATES DISTRICT JUDGE

22 Presented by:

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25 /s/ Catherine L. Crisham
26 Catherine L. Crisham
27 Assistant United States Attorney
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(PROPOSED) ORDER REGARDING DEFENDANT'S WAIVER
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